

MEMORANDUM

RE SOUTH ISLAND (EXCL BLENHEIM) ASSOCIATE JUDGE COURTS

This memorandum deals with matters relevant to the Associate Judge's Courts after first referring to matters of general application in the High Court.

Christchurch Registry

1. General

Filing of documents continues via the Wellington Registry.
The Registry personnel at Christchurch for contact on civil matters are as per the contact sheet attached.

2. Robing

The requirement of robing is dispensed with until further notice in the Associate Judge's Court.

3. Adjournment of proceedings which missed hearing dates

All fixtures in the Associate Judge's Court from 22 February 2011 to date have been adjourned sine die.

The Bankruptcy, Companies and Chambers and Summary Judgment Lists of 28 March 2011 will be adjourned to the temporary Court, at Wigram, on 29 March 2011, as follows-

10am – Bankruptcy List

10.30am – Companies List

11am – Chambers and Summary Judgment List

If any counsel prefer to have a Chambers matter removed from the List and allocated a telephone conference such can be arranged through the Registry by supplying the names and phone numbers of counsel for the purposes of a conference at the earliest available date.

4. Case Management Conferences (by telephone)

Case Management Conferences which were missed between 22 February 2011 and now have been adjourned sine die but with the intention that with the co-operation of counsel they will be reconvened without delay. Counsel affected are requested to confer and to provide names and phone numbers of counsel to the Registry for a reconvened

conference. The case officers will be in contact with solicitors in relation to these files.

Conferences scheduled in coming days and weeks remain scheduled and counsel are requested to prepare for them and to file or email pre-conference memoranda in the normal way. Counsel are requested to note that Christchurch conferences are likely to be dealt with by the Judge at a distant Court. The early filing of documents would therefore be appreciated if possible.

5. Settlement Conferences

Settlement Conferences scheduled in coming days and weeks remain scheduled. The Court will convene such conferences at any suitable location identified by counsel and parties. The Ministry is also seeking to secure suitable venues for confirmed dates. Counsel are to liaise with Registry staff at Christchurch as early as possible. The provision of memoranda and of will say statements in the normal way (even if abridged) is requested, as is the supply of reconstructed relevant pleadings.

6. Fixtures (i.e. defended interlocutory proceedings)

The Ministry has been making arrangements for the availability of alternative suitable facilities.

Fixtures from 22 February 2011 to date have been adjourned have been adjourned sine die and will continue to stand so adjourned.

In relation to these adjourned fixtures and all pending fixtures, counsel are requested to liaise with Rebecca Fahey as to readiness for hearing, confirmation of the time required, and the names and contact details of counsel now involved.

Consideration may be given, particularly in cases where both parties consent, to the temporary (or possibly permanent) change of venue if hearing in another Registry is possible. This includes to any of the other South Island Circuit Registries as the Associate Judge continues to be able to sit in those. (The Registrar will first identify the availability of court space in the distant Registry).

Consideration may be given, particularly in relation to succinct issues, to the hearing of submissions by telephone conference. Counsel should request such a conference where appropriate.

7. Allocation of new hearing dates

In relation to all hearings (fixtures and settlement conferences) which have had to be adjourned the Registrar is likely to be able to reschedule

a firm fixture date at relatively short notice because of the number of other matters that will be unable to proceed on their scheduled date. Accordingly if counsel can when ready to proceed cooperate in accepting an early date the Court may well accommodate that.

8. Consent matters

Counsel are reminded that consent orders of a substantive nature may be made by the Associate Judge. In the state of difficulty which continues to apply counsel and the parties are encouraged to deal with interim situations where appropriate by consent orders.

This may apply particularly to caveat lapsing proceedings and extensions of time on statutory demands.

9. Email addresses for service

The Court encourages all counsel and parties to notify one another of an email address as an address for service if this has not previously been done. The Associate Judge at case management conferences as a matter of course is requesting solicitors to confirm the use of email addresses for service.

10. Explanation for adjournment

Counsel affected by the earthquake need not go into detail as to the particular difficulties which have caused a need for an adjournment request. A simple statement from counsel that they or clients are unable to proceed because of the earthquake will be accepted by the Court in the absence of any signalled opposition to adjournment. What the Judge would appreciate before case management conferences is a simple explanation as to the current access which respective counsel have to both their litigation files and their discovery files.

South Island Circuit Courts

The Associate Judge will continue to physically sit at the circuit courts as scheduled (i.e. Nelson, Timaru, Dunedin, Invercargill), with the Judge likely to sit physically at Nelson also in the in-between months which would otherwise be by audio visual.

The Greymouth List on 19 April 2011 will be adjourned to 20 April 2011 at 10am and will be conducted by audio visual (the Judge physically sitting at Timaru).

Arrangements for the 28 June 2011 Greymouth and Timaru List will be confirmed or notified closer to that date.